

JOSIE PATRICK and QUINTON	§	
MASON, ¹	§	No. 65, 2011
	§	
Respondents Below,	§	
Appellants,	§	
	§	Court Below: Family Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
DIVISION OF FAMILY	§	
SERVICES, ET AL.,	§	
	§	File No.10-08-06TN
Petitioner Below,	§	Petition No. CN10-28101
Appellee.	§	

Decided: July 29, 2011

ORDER

1) Josie Patrick (Mother) and Quinton Mason (Father) appeal from a Family Court decision granting a Division of Family Services (DFS) petition for termination of their parental rights in their son, Q.M.

¹This Court *sua sponte* assigned pseudonyms to the parties by Order dated February 11, 2011, pursuant to Supreme Court Rule 7(d).

2) On January 10, 2011, after a two-day hearing, the Family Court entered an Order finding, by clear and convincing evidence, that: 1) DFS made reasonable efforts to reunify parents with Q.M.; 2) parents failed to plan adequately for Q.M.'s physical needs or his mental health, emotional health and development; and 3) it is in Q.M.'s best interests for parental rights to be terminated. On appeal, parents' only claim is that the Family Court abused its discretion in finding that termination is in Q.M.'s best interests. We find no merit to this claim and affirm.

3) The Family Court granted DFS's petition for custody in July 2009, when Q.M. was about one year old. After preliminary protective, dispositional, review and permanency hearings, the court continued DFS's custody because Q.M. continued to be dependent. After the termination hearing, the trial court made the following factual findings:

a) Q. M. suffers from cerebral palsy. He also has a seizure disorder, and suffers from severe cognitive and physical developmental delays. He requires constant care and is fed primarily through a feeding tube. He cannot walk or talk.

b) Q.M.'s foster parents have many years of experience caring for children with special needs. Q.M. sleeps or rests during the day, and the foster parents have a bedroom for him on the first and second floors. They assist Q.M. in his daily regimen, which includes two hours per day in a wheel chair, one hour per

day using an assistive device to stand, three hours per day being fed through a feeding tube, and daily exercises. In addition, they facilitate Q.M.'s participation in regular physical, occupational, and speech therapy sessions.

c) Father has been incarcerated during much of Q.M.'s life and has not met his parental responsibilities. Mother has mental health issues that are not being addressed on a continuing basis. Mother is financially unable to care for or house Q.M. Both parents have criminal histories that include crimes of violence. They were referred for domestic violence counseling, but did not provide evidence that they had obtained the counseling.

4) The Family Court addressed each of the factors it was required to consider under 13 *Del. C.* § 722(a), and concluded that termination was in Q.M.'s best interests. The court found that one factor - the parents' desire to maintain parental rights – weighed against termination, and that several other factors were neutral. The court found that four factors weighed in favor of termination. It concluded that termination was in Q.M.'s best interests because his parents have not been able to provide him with the special care he requires.

5) This Court will not disturb the trial court's findings unless they lack record support or are clearly wrong.² The record provides ample support for the Family Court's decision, and we find no error in its analysis.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court be, and the same hereby is, AFFIRMED.

By the Court:

/s/ Carolyn Berger
Justice

²*In re Stevens*, 652 A.2d 18 (Del. 1995).